

COMPOSITE STATE BOARD OF MEDICAL EXAMINERS



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LaSharn Hughes

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COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENT TO AMEND AND ADOPT RULES

TO ALL INTERESTED PARTIES:

Notice is hereby given by the Composite State Board of Medical Examiners ("Board") that it intends to amend Rules 360-13-.07, entitled "Renewal and Recertification," and 360-13-.10, entitled "Continuing Education Requirements" of Chapter 360-13, entitled "Respiratory Care Professionals, Technicians and Therapists." Exact copies of the proposed amendments are attached to this Notice.

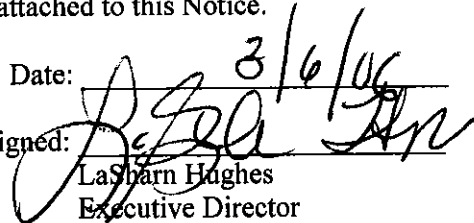
This notice, together with an exact copy of the proposed rules and a synopsis of the proposed rules are being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rules and a synopsis of the proposed rules may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the office of the Composite State Board of Medical Examiners, 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303.

Any interested person who will be affected by these rules may present his or her comments to the Board no later than March 23, 2006 or make comments at the public hearing. Comments may be directed to Diane Atkinson, Composite State Board of Medical Examiners, 2 Peachtree Street, NW, Atlanta, Georgia 30303-3465 or may be received by the Board by e-mail at matkinson@dch.state.ga.us

A public hearing is scheduled to begin at 9:20 a.m. on April 6, 2006 at the 40th Floor Board Room, 2 Peachtree Street, N.W., Floor, Atlanta, Georgia 30303, to provide the public an opportunity to comment upon and provide input into the proposed rules.

The Board voted to adopt this Notice of Intent on February 2, 2006 and intends to adopt the attached rules at its meeting on April 6, 2006, after the conclusion of the public hearing, at the 40th Floor Board Room, 2 Peachtree Street, NW, Atlanta, GA 30303.

The authority for promulgation of these rules is O. C. G. A. §§ 43-34-3, 43-34-145, 43-34-147, 43-34-150 and the specific statutes cited in the proposed rules. This Notice is adopted and posted in compliance with O.C. G.A. § 50-13-4 of the Georgia Administrative Procedures Act. A synopsis of the proposed rules and an economic impact statement are attached to this Notice.

Date: 3/6/06
Signed: 
LaSharn Hughes
Executive Director
Composite State Board of Medical Examiners

ECONOMIC IMPACT AND SYNOPSIS FOR
AMENDMENTS TO CHAPTER 360-13
RESPIRATORY CARE PROFESSIONALS, TECHNICIANS AND THERAPISTS

ECONOMIC IMPACT:

The attached rules are promulgated under the authority of the Respiratory Care Practices Act, Title 43, Chapter 34. The Composite State Board of Medical Examiners licenses and regulates six professions. The formulation and adoption of this rule does not impose excessive regulatory cost on any certificate holder and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of Article 6 of Chapter 34, of the Official Code of Georgia Annotated, the Respiratory Care Practices Act. Additionally, it is not legal or feasible to meet the objectives of the Respiratory Care Practices Act to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D).

RULE SYNOPSIS:

360-13-.07 Renewal and Recertification

Purpose: The purposes of the proposed amendment are to correct the year in which certificates will be set to expire, to provide that continuing education requirements will be reduced to a least 15 contact hours during the transition to birth month renewals in the 2006-2008 biennium and to clarify the application fee during the transition to birth month renewals.

Main Features: The proposed amendment to paragraph (1) corrects the year in which the certificates will be set to expire and provides that application fees for those who certificates are renewed for less than a two-year period during the transition to birth month renewals will be pro-rated in accordance with a fee schedule established by the Board. The paragraph further provides that continuing education requirements will be reduced to at least 15 contact hours during the transition to birth month renewals in the 2006-2008 biennium.

360-13-.10 Continuing Education Requirements

Purpose: The purpose of the proposed amendment to rule 360-13-.10 is to revise the list of Board-approved continuing education courses and to provide for the reduction of continuing education requirements to at least 15 contact hours during the transition to birth month renewals.

Main Features: The proposed amendment to paragraph (1) of the rule provides that continuing education requirements will be reduced to at least 15 contact hours during the 2006-2008 biennium only. The proposed amendment to paragraph (5) amends the language to be consistent with the proposed amendment to paragraph (1). The proposed amendments to paragraph (8) provide additions to the list of Board approved courses to include courses approved by the American Association of Critical-Care Nurses and courses approved by the American College of Pathologists that relate to pulmonary pathology or acid base balance and constitute no more than 25% of the acceptable continuing education units required. The proposed amendments to paragraph (8) further clarify that the changes to the list of approved courses for continuing education requirements do not become effective until July 1, 2006.

The differences between the existing rules and the proposed amendments to the rules are shown below: (The lined-through text is proposed to be deleted and underlined text is proposed to be added.)

Respiratory Care Professionals,
Technicians and Therapists

360-13

RULES
OF
COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

CHAPTER 360-13
RESPIRATORY CARE PROFESSIONALS,
TECHNICIANS AND THERAPISTS

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360-13-.07 Renewal and Recertification

360-13-.07 Renewal and Recertification.

(1) Certificates expire on June 30th of even numbered years until renewal for the 2006-2008 biennium. Beginning on July 1, 2006, applicants will be issued a certificate that will be set to expire between July 31, 2006~~7~~ and June 30, 2007~~8~~. The certificate will expire on the last day of the month in which the applicant's birthday falls. ~~Thereafter, each succeeding certificate must be renewed by the last day of the month in which the applicant's birthday falls and each certificate will then be renewed for a period of two (2) years.~~ The application fee will be prorated in accordance with a fee schedule established by the Board for those whose certificates are renewed for less than a two-year period during the 2006-2008 biennium. Effective July 1, 2006, continuing education requirements will be reduced to at least fifteen (15) contact hours during the 2006-2008 biennium only. Thereafter, each succeeding certificate must be renewed by the last day of

the month in which the applicant's birthday falls and each certificate will then be renewed for a period of two (2) years.

(2) Approximately 60 days prior to the expiration date, the Board may, as a courtesy, mail a notice for renewal of certificate to the certificate holder's last address on file in the Board's records.

(3) Failure to receive such notification shall not relieve the certificate holder of the obligation to renew the certificate and pay the required fee prior to the expiration date of the certificate. Deposit of the renewal fee by the Board does not indicate acceptance of the renewal application or that any licensing requirements have been fulfilled.

(4) To be eligible for renewal and recertification, a certificate holder must answer questions on their biennial renewal form, which establish satisfaction of Board approved continuing education requirements. The Board shall not renew the certificates of applicants who failed to comply with Board approved continuing education requirements.

(5) To be eligible for renewal and recertification, a certificate holder must also furnish satisfactory evidence that he or she continues to work under the supervision of a physician who meets the requirements of Rule 360-13-.01(d). This evidence must be furnished on a form prescribed by the Board. The Board shall not renew the certificates of applicants who are not working under the supervision of a physician who meets the requirements of Rule 360-13-.01(d).

(6) Failure to renew a certificate by the designated expiration date shall result in a penalty for late renewal as required by the Board. Certificates that are not renewed within 3 months of expiration shall be revoked for failure to renew and may be reinstated only as provided in Rule 360-13-.09.

(7) A certificate holder with an expired certificate shall not engage in the practice of respiratory care or to represent himself or herself as a certified respiratory care professional until such time as the Board has approved his or her application for renewal or reinstatement.

Authority O.C.G.A. Secs. 43-1-19, 43-34-3, 43-34-143, 43-34-145, 43-34-147, 43-34-150.

360-13-.10 Continuing Education Requirements.

(1) To be eligible to renew a certificate, each certificate holder must complete 30 contact hours, or 3 continuing education units, of approved continuing education during the two years preceding certification renewal. One continuing education unit shall be equal to 10 contact hours of instruction. Certificate holders shall not receive contact hours or continuing education units for teaching continuing education courses. Notwithstanding the provisions of this paragraph, effective July 1, 2006, the continuing education

requirements will be reduced to at least fifteen contact hours during the 2006-2008 biennium only. Thereafter, each succeeding certificate must be renewed biennially by the last day of the month in which the applicant's birthday falls and the certificate holder must establish satisfaction of at least thirty (30) contact hours of Board-approved continuing education requirements to be eligible for renewal.

(2) Each certificate holder shall be required to answer questions on their ~~biennial~~ renewal application form that establish compliance with Board approved continuing education requirements. Certificate holders will not be required to send documentation of compliance with continuing education requirements for renewal, unless requested by the Board pursuant to Rule 360-13-.10(4). False statements regarding satisfaction of continuing education on the renewal form or any other document connected with the practice of respiratory care may subject the certificate holder to disciplinary action by the Board.

(3) Each certificate holder who must meet the requirements of this chapter must maintain record of attendance and supporting documents for Board approved continuing education for a period of 5 years from the date of attendance. At a minimum, the following information must be kept:

- (a) name of provider;
- (b) name of program;
- (c) hours of continuing education units completed; and
- (d) date of completion.

(4) The Board will audit a fixed percentage of randomly selected renewal applications to monitor compliance with the continuing education requirements. Any certificate holder so audited shall be required to furnish documentation of compliance including name of provider, name of program, hours/continuing education units completed and date of completion. Any certificate holder so audited that has been found to be out of compliance with the Board's continuing education requirements may be subject to disciplinary action.

(5) If the certificate holder has not complied with the continuing education requirement by the expiration of the certificate, his/her certificate shall not be renewed and the certificate holder shall not engage in the practice of respiratory care. A certificate holder may late renew during the three months following the expiration date of his or her certificate by presenting satisfactory evidence to the Board of completion of the ~~required 30~~ required 30 contact hours or ~~3~~ continuing education units of Board approved continuing education required by paragraph (1) of this Rule and the late renewal fee. Certificates not renewed within 3 months following the expiration date of the certificate shall be revoked for failure to renew. In order to obtain a valid certificate after revocation for failure to renew, an applicant must apply for reinstatement in accordance with Rule 360-13-.089.

(6) Continuing education hours that are used to satisfy a deficiency may not be used for purposes of renewal of the certificate holder's certificate for the next biennium.

(7) Any certificate holder seeking renewal of a certificate without having fully complied with the Board's continuing education requirements who wishes to seek a waiver or variance of this rule shall file with the Board

(a) a renewal application and fee and

(b) a statement that complies with the provisions of O.C.G.A. § 50-13-9.1 setting forth the specific facts of substantial hardship which would justify a variance or waiver, including the alternative standards which the person seeking a waiver or variance agrees to meet and a showing that such alternative standards will afford adequate protection for the public health, safety and welfare; and the reason why the variance would serve the purpose of the underlying statute.

(8) The following courses are approved by the Board as meeting the continuing education requirements:

(a) Courses approved by the American Association for Respiratory Care or its successor organization.

(b) Courses approved by the Georgia Society for Respiratory Care or its successor organization.

(c) Courses approved by the American Thoracic Society.

(d) Courses approved by the American College of Chest Physicians.

(e) Effective July 1, 2006, courses approved by the American Association of Critical-Care Nurses.

(ef) Effective July 1, 2006, the following programs of the American Heart Association and the American Academy of Pediatrics; however, these programs shall constitute no more than 25% of the total acceptable continuing education units required.

1. Basic Life Support

2. Basic Life Support Recertification

3. Advanced Cardiac Life Support

4. Advanced Cardiac Life Support Recertification

5. Basic Life Support Instructor

6. Basic Life Support Instructor Trainer
7. Basic Life Support Instructor Trainer Recertification
8. Advanced Cardiac Life Support Instructor
9. Advanced Cardiac Life Support Instructor Update (Certification)
10. Basic Trauma Life Support
11. Basic Trauma Life Support Recertification
12. Pediatric Basic Life Support
13. Pediatric Advanced Life Support
14. Pediatric Advanced Life Support Recertification.
15. Neonatal Resuscitation Program
16. Neonatal Recertification.

(g) Effective July 1, 2006, courses approved by the American Society for Anesthesia

(h) National Board for Respiratory Care Self-Assessment Exams

(i) National Board for Respiratory Care Credential Exams

(j) American Medical Association Category I programs

(k) Effective July 1, 2006, courses approved by the College of American Pathologists provided the courses are related to pulmonary pathology or acid base balance and constitute no more than 25% of the acceptable continuing education units required.

(kl) Effective July 1, 2006, Respiratory specific courses approved by the Georgia Nursing Association; however, courses approved by the Georgia Nursing Association shall constitute no more than 25% of the total acceptable continuing education units required.

Authority O.C.G.A. Secs. 43-34-3, 43-34-143, 43-34-145, 43-34-147, 43-34-150.